

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/673,118

Applicant : FLOCKHART et al.

Filed: : September 26, 2003

TC/A.U. : 3676

Examiner: :

Docket No. : 4366-106

Customer No. : 48500

Title: : "METHOD AND APPARATUS FOR LOAD BALANCING WORK ON A NETWORK OF SERVERS BASED ON THE PROBABILITY OF BEING SERVICED WITHIN A SERVICE TIME GOAL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV493477175US  
DATE OF DEPOSIT: 2/18/05

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE: 

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent, unpublished patent application, and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☒ Other: Attached hereto is a copy of European Search Report for European App. No. EP 04 25 5373, which is the European counterpart of the above-identified patent application.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li> <li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li> <li><input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li> <li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li> </ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to <b>Avaya Inc. Deposit Account 50-1602</b>.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> <li>(1) a final action under 37 C.F.R. 1.113 or</li> <li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li> <li>(3) an action that otherwise closes prosecution in the application.</li> </ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to <b>Avaya Inc. Deposit Account 50-1602</b>.</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Please charge <b>Avaya Inc. Deposit Account 50-1602</b> in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to <b>Avaya Inc. Deposit Account 50-1602</b>.</li> </ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge <b>Avaya Inc. Deposit Account 50-1602</b> in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to <b>Avaya Inc. Deposit Account 50-1602</b>. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li> </ul>

**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

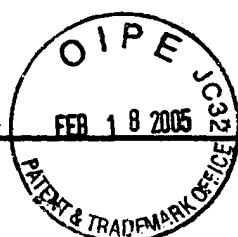
Respectfully submitted,

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Date: Feb. 18, 2005



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Sheet	1	of	1	Application Number	10/673,118
				Filing Date	September 26, 2003
				First Named Inventor	Flockhart, Andrew D.
				Art Unit	3676
				Examiner Name	
				Attorney Docket Number	4366-106

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2003/0101213 A1	05-29-2003	Wright	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> ; Number <sup>4</sup> ; Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	2.	PCT - WO 01/80540 A1	10-25-2001	Genesys Telecom. Labs., Inc.		Y
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**OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)**

Examiner Initials*	Cite No. <sup>1</sup>	
	3.	European Search Report dated December 28, 2004 for European Patent Application No. EP 04 25 5373.

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.